



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

February 2, 2021

**VIA ECF**

Honorable John G. Koeltl  
United States District Judge  
United States District Court  
500 Pearl Street  
New York, NY 10007

Application granted. The pending motion to dismiss is denied without prejudice as moot. SO ORDERED.

New York, New York /s/ John G. Koeltl  
February 3, 2021 John G. Koeltl, U.S.D.J.

Re: *Spina, et al. v. Liu, et al.*, No. 20 Civ. 9368 (JGK)

Dear Judge Koeltl:

This Office represents defendant United States of America (the “Government”) in the above-referenced Federal Tort Claims Act (“FTCA”) matter, which was removed from the New York Supreme Court, Kings County, pursuant to 28 U.S.C. §§ 1442(a)(1) and 2679(d)(2) by the United States Attorney’s Office for the Eastern District of New York on November 2, 2020, and transferred to this Court on November 9, 2020. *See* ECF Nos. 1, 3, 7. Pursuant to the conference conducted on February 1, 2021, I write respectfully to inform the Court that the Government respectfully accepts the Court’s offer to permit the Government to file an amended motion to dismiss. In addition, on behalf of the parties, I write respectfully to request that the Court endorse the following proposed briefing schedule:

Government’s Amended Motion to Dismiss: February 23, 2021

Any Opposition: March 17, 2021

Government’s Reply: April 6, 2021

We thank the Court for its consideration of this letter.

Respectfully,

AUDREY STRAUSS  
United States Attorney

By: s/ Joshua E. Kahane  
JOSHUA E. KAHANE  
Assistant United States Attorney  
86 Chambers Street, Third Floor  
New York, NY 10007  
Tel: (212) 637-2699  
joshua.kahane@usdoj.gov

cc: Counsel of Record (by ECF)